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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,815	07/28/2003	Stephen R. Carsello	CE11373JI230/10-173	5857
23400	7590	06/28/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			VUONG, QUOCHIE B	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,815	<b>Applicant(s)</b> STEPHEN CARSELLO	
	<b>Examiner</b> Quochien B. Vuong	<b>Art Unit</b> 2618	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 14-20 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 07/28/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Jokinen (US 6,038,238).

Regarding claim 11, Jokinen et al. disclose a wireless communication transmission device for facilitating a termination of reception of a received signal on a voice channel simultaneously with an end of a transmission on the voice channel, the wireless communication transmitter comprising: a transmitter for transmitting a wireless communication signal; and a processor coupled to the transmitter for controlling the transmitter, wherein the processor is programmed to control the transmitter to transmit a predetermined Stop Waveform at the end of the transmission in a plurality of consecutive time slots on a plurality of independent frequency hops (column 3, lines 11 – column 5, line 19).

***Allowable Subject Matter***

4. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 12, Jokinen et al. disclose the wireless communication transmission device of claim 11 above. However, Jokinen et al. fails to disclose wherein the processor is further programmed to control the transmitter to modulate the Stop Waveform as an M-ary frequency-shift-keyed (FSK) signal that utilizes only symbol values that are not utilized for transmitting voice message data.

5. Claims 1-10 and 14-20 are allowed over the cited prior art.

Regarding independent claims 1 and 14, Jokinen et al. disclose a wireless communication receiver and a method for facilitating a termination of reception of a received signal on a voice channel simultaneously with an end of a transmission on the voice channel, the wireless communication receiver comprising: a receiver front end for receiving a known Stop Waveform comprising a predetermined symbol pattern on the voice channel, the Stop Waveform sent at the end of the transmission; and a processor coupled to the receiver front end and programmed to terminate the reception of the voice channel in response to detecting the Stop Waveform (column 3, lines 11 – column 5, line 19). However, Jokinen et al. fail to teach or fairly suggest the wireless communication receiver and the method wherein the processor is further programmed to: compute a plurality of characteristics derived from the received signal, including: a carrier-to-noise ratio; a maximum normalized symbol correlation energy over all

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symbols of the Stop Waveform; and a number of small and a number of large normalized symbol energy values; and detect the Stop Waveform by comparing the plurality of characteristics with a corresponding plurality of predetermined thresholds.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ugland et al. (US 5,581,548) disclose frequency and channel hopping communication in a TDMA cellular mobile radio system.

Partyka (US 6,058,137) discloses frequency hopping system for intermittent transmission.

Winnberg (US 6,335,946) disclose method and a device for broadband transmission.

Wasko (US 6,850,765) discloses transmitter using frequency hopping for mobile communications systems.

Mucke (US 7,054,287) discloses data transmission in a communication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



QUOCHIE B. VUONG  
PRIMARY EXAMINER

Quochien B. Vuong  
June 25, 2006.